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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,364

10/25/2005

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1031-25

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06/26/2007

EXAMINER

STORMER, RUSSELL D

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

06/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,364	<b>Applicant(s)</b> REESE, ALAN RICHARD	
	<b>Examiner</b> Russell D. Stormer	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Information Disclosure Statement***

1. The information disclosure statement filed Applicant has submitted copies of two foreign references, but has failed to provide a paper titled Information Disclosure Statement, or a list of references (PTO 1449), and thus fails to comply with 37 CFR 1.98. The two foreign references will be considered and listed on the attached PTO form 892.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of second coupling members as set forth in claim 6 must be shown or the feature(s) canceled from the claim(s).

**No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

The spelling of words such as "centre," "tyre," and "tonne" must be corrected throughout the disclosure.

The reference characters 113 and 118, found in figure 4, do not appear to be described in the specification.

The reference character 211 is used for at least 4 different elements on page 10. Further, it appears that the character 211 should be changed to - 221 - to be consistent with the other drawing figures and to agree with lines 1-3 of the third paragraph of page 10.

Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claim terminology.

The following terms in the claims are not properly described in the specification: first support plate, second support plate, first coupling device, second coupling device,

torque transfer device, body member, first engaging device, second engaging device, first coupling member, second coupling member, and removable securing device.

Some of these terms can be found on pages 3-5, but this does not provide sufficient antecedent basis for the claimed subject matter as pages 3-5 are merely a reproduction of the claims and not a proper Summary of the Invention.

See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "via" renders the claim indefinite as it does not describe any structural connection, or any other relationship, between the elements in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 5, 7, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss.

Weiss discloses a wheel mounting assembly comprising a wheel having a first support 17, a second support plate 3 a first coupling means 5, 12 for transferring torque, a second coupling means 9, and a flange 8 to which the second plate is attached to.

Since all coupling means have a breaking point, it is inherent that the coupling means 9 would have a predetermined level at which it would no longer transfer radial or axial forces and would break.

With respect to claim 7, the second support plate is adapted to be (capable of being) mounted to an axle via a gearbox.

With respect to claim 11, it is inherent that the wheel assembly would be used on a vehicle having a chassis and a cab.

10. Claims 1, 2, 5, 7, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhlman.

Kuhlman discloses a wheel mounting assembly comprising a first support plate 11, a second support plate 13, first coupling members 35, 36, 37, 38, and a second coupling device 30.

Since all coupling means have a breaking point, it is inherent that the second coupling device 30 would have a predetermined level at which it would no longer transfer radial or axial forces and would break.

With respect to claim 7, the second support plate is adapted to be (capable of being) mounted to an axle via a gearbox.

With respect to claim 11, it is inherent that the wheel assembly would be used on a vehicle having a chassis and a cab.

11. Claims 1, 2, 5, 8, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi (Japanese document 59-118502).

Hayashi discloses a wheel assembly comprising a wheel having a first support plate **D**, a second support plate 13, a torque transfer device 16, a first coupling device 3 for transferring torque between the first and second plates, a second coupling device **B**, and a flange **H** to which the second plate is attached to. The second support plate has a region of decreasing cross section **A**.

It is inherent that the second coupling device **B** would have a predetermined level at which it would no longer transfer radial or axial forces, inasmuch as all fastening members have a breaking point.

With respect to claim 7, the second support plate is adapted to be (capable of being) mounted to an axle via a gearbox.

With respect to claim 11, it is inherent that the wheel assembly would be used on a vehicle having a chassis and a cab.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss.

To provide additional fracturable second coupling members would have been obvious as a matter of duplication of parts. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

#### ***Allowable Subject Matter***

14. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show additional wheel attaching devices.

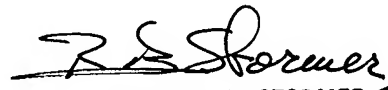
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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6/13/07

  
**RUSSELL D. STORMER**  
**PRIMARY EXAMINER** 6/13/07